

PUBLIC MEETING RE: NOISE AND NUISANCE BYLAW

September 23, 2009

Approved Minutes

DATE: September 23, 2009

TIME: 7:00 p.m.

PLACE: Stratford Town Centre, 234 Shakespeare Drive

COUNCIL: Deputy Mayor Sandy McMillan, Councillor Patrick Ross, Councillor Steve MacDonald, Councillor Diane Griffin and Councillor Emile Gallant.

STAFF: Robert Hughes, Chief Administrative Officer and Doug Deacon, Sustainable Economic Development Coordinator

1. CALL TO ORDER:

Mayor Jenkins called the meeting to order at 7:00 p.m. and welcomed those in attendance. He noted that over the past number of years we had a number of incidents come forth that Council has had some difficulty dealing with and when taken to our legal counsel was told that under our current bylaw, we would not stand any chance of a successful prosecution. He noted that Councillor Griffin and recently Councillor Gallant have spent a lot of time working with our legal counsel and working with committees to identify some improvements to the nuisance bylaw, to hopefully help us deal with the issues that we are having difficulty controlling.

Mayor Jenkins noted that all questions and comments are welcome and asked that anyone wishing to speak to please approach the microphone.

Mayor Jenkins turned the meeting over to Councillor Emile Gallant, Chair of the Safety Services and Environment Committee.

Councillor Gallant noted that this is a proposed bylaw and we are here tonight to receive feedback from the residents. The comments received will then be discussed by the Safety Services and Environment Committee, who will then make a recommendation to Council. Councillor Gallant apologized for the error in the draft bylaw (relating to permitted times an activity is allowed) that was included in the newsletter.

Councillor Gallant stated that we will go through what presently exists in the bylaw and the proposed changes. We will then open the floor for feedback.

Councillor Gallant noted that when the Town was created in 1995, a Peace and Order Bylaw was drafted and it was very brief and very limited as a bylaw for noise and nuisance. In 2004 the Town enacted a Nuisance Bylaw to replace the Peace and Order Bylaw. It was based on

a Nova Scotia model and it expanded the definition of disturbances, including a table of timeframes. The bylaw also included a ban on open burning, as well as a Halloween curfew.

As Mayor Jenkins explained, we have had some cases over the past few years that we could not prosecute, because according to the RCMP and our legal counsel the bylaw was not specific enough. This is why we wanted to review the existing bylaw and see if we could strengthen it.

Councillor Gallant read the *existing bylaw*.

1. the detonation of fireworks or explosive devices without a permit at any time
2. the operation of a recreational vehicle within 100 metres of any residence except for the purpose of parking or storage on one's own property at any time
3. the operation of any vehicle, equipment or machinery without an effective muffling device at any time
4. discharge of a firearm unless when used in the line of duty by a peace officer at any time
5. operation of construction vehicles except for emergency repairs from 9:00 p.m. until 7:00 a.m.
6. operation of power tools outdoors or in a building under construction from 9:00 p.m. until 7:00 a.m.
7. yelling, shouting, hooting, whistling or singing from 9:00 p.m. until 7:00 a.m.
8. the operation of lawn mowers from 9:00 p.m. until 7:00 a.m.
9. the operation of any television, radio, stereo, amplifier, musical instrument, public address system so that the sound is audible beyond the property from which the sound is coming from 11:00 p.m. until 7:00 a.m.

These are the items that exist in the current Nuisance Bylaw. As noted earlier, we had issues with the existing bylaw trying to enforce it, and that is why Council decided to consult with other municipalities and consult with experts in the field to see how we could make the bylaw stronger and defensible in court. The Safety Services and Environment Committee was mandated to look at this and bring a recommendation to Council. We are now at the point where we are requesting feedback from the public. Councillor Gallant noted that according to the World Health Organization (WHO) some of the adverse health effects from noise include hearing loss, speech, intelligibility, sleep disturbance, performance, annoyance etc.

Councillor Gallant noted that one thing we had to look at was how do you decide what is acceptable or not acceptable regarding noise level and there were two ways to deal with this. One was to set an acceptable noise level and use a noise meter. This would require that we purchase equipment and according to those in the field it is very hard to get an exact reading. The second option would be to tighten up the wording in our current bylaw. The Safety Services and Environment Committee decided on the second option and the Noise and Nuisance Bylaw was drafted using the best examples from other municipalities in PEI.

Councillor Gallant stated that the proposed Noise and Nuisance Bylaw contains a better definition of what constitutes a nuisance. An expanded list of activities that are prohibited at certain times and in certain areas - residential and other. The same provision applies to open burning and curfews as in the past.

Subsection 3 a. of the proposed bylaw states that no person shall make, continue, or cause to be made or continued, or suffer or permit to be made or continued:

- any unreasonably loud or excessive noise;
- any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity in the town; or
- any noise which is so harsh, prolonged, unnatural or unusual in time or place as to occasion unreasonable discomfort to any person.

Factors for determining whether any noise violates subsection 3(a) include, but are not limited to, the following:

- the proximity of the noise to sleeping facilities;
- the land use and zoning of the area from which the sound emanates and the area where it is received or perceived;
- the time of day or night the noise occurs;
- the duration of the noise;
- the volume of the noise;
- the nature of the noise;
- whether the noise is recurrent, intermittent or constant;
- the nature of the event or activity from which the noise emanates.

These are the proposed Noise and Nuisance Bylaw definitions. The last part is the list of activities that we developed and include prohibited times and areas. Councillor Gallant noted that some of these are the same as the old (current) bylaw.

1.	the detonation of fireworks or explosive devices without a permit	at all times	residential and other
2.	the operation of a recreational vehicle within 100 metres of any residence except for the purpose of parking or storage on one's own property	at all times	residential and other
3.	the operation of any vehicle, equipment or machinery without an effective muffling device	at all times	residential and other
4.	the discharge of a firearm unless when used in the line of duty by a peace officer	at all times	residential and other
5.	the operation of the horn or other warning device except where required or authorized, or in accordance with good safety practice.	at all times	residential and other
6.	the operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens, whistles or chimes, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practice.	at all times	residential
7.	the persistent barking, calling or whining or other similar persistent noise-making by animals kept as household pets or for commercial purposes.	at all times	residential and other
8.	selling or advertising by shouting, yelling or amplified sound.	between 9:00 p.m. and 7:00 a.m.	residential and other

9.	the idling of any truck or tractor for more than 15 minutes while the truck or tractor is not in motion	at all times	residential
10.	the operation of any motor, refrigeration unit or similar device unless the vehicle is in motion.	at all times	residential
11.	the use or operation of any radio, television, stereo, music player, musical instrument, public address system or similar device so that the sound may be heard on another property or in another apartment unit.	between 11:00 p.m. and 7:00 a.m.	residential
12.	the operation of equipment or machinery used in lawn and garden care or property maintenance including lawn mowers, leaf blowers, compressor, engine or similar equipment.	between 9:00 p.m. and 7:00 a.m.	residential
13.	the construction, repair or demolition of any building or structure so that the sound may be heard on another property or in another apartment unit except in the case of emergencies.	between 9:00 p.m. and 7:00 a.m.	residential and other
14.	the operation of construction equipment.	between 9:00 p.m. and 7:00 a.m.	residential and other
15.	the operation of toy or hobby devices which have engines or propulsion systems that make noise.	between 9:00 p.m. and 7:00 a.m.	residential and other
16.	the operation of commercial or pressurized wash systems.	between 9:00 p.m. and 7:00 a.m.	residential
17.	the venting, release or pressure relief of air, steam, or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine or device.	between 9:00 p.m. and 7:00 a.m.	residential
18.	yelling, shouting, hooting, whistling or singing.	between 11:00 p.m. and 7:00 a.m.	residential

19. the operation of any air conditioner, pump, heat pump or similar device that is not in proper working order.	at any time	residential and other
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Councillor Gallant noted that we will not be hiring someone to patrol the Town to catch people breaking these rules. These bylaws were developed for the purpose of helping us deal with problems when they do occur.

At this time Councillor Gallant opened the floor for questions and comments and asked that anyone who wishes to speak to please approach the microphone and identify themselves for the record.

Resident: *(did not identify himself)* Good evening. I think you've got a good paper here. A couple of little things on it that will probably affect me - one you don't think of. All your work is towards summertime activities. It means the way it is written now you can't blow snow after nine o'clock, so you might want to revisit that one. There are a couple of other things that have happened. I live over on the Bunbury Road between the Duffy Road and the Mason Road which is a down hill grade, and the biggest problem we are concerned with is the large tractor trailers starting early in the morning and using the jake brakes. There is nothing in here to address jake brakes or engines braking on these trucks and all construction season long these trucks are coming about 6:15 a.m. and using the jake brake. We also commonly have cars with young lads in them and we can 'feel' them coming before we see them. We happen to be on the main drag, so we get the people who are going up the south side of the road.

- *the detonation of fireworks or explosive devices without a permit* - the resident noted that he has been woken in the middle of the night several times a year, and his friend in Kinlock has recently experienced this as well. It is like a shot gun blast and he has a personal suspicion that it may be someone trying to drive out the crows.

- *the operation of a recreational vehicle within 100 metres of any residence except for the purpose of parking or storage on one's own property* - the resident noted that this presents him with a little bit of a problem, as he has a sailboat and the engine needs to be started and let run awhile to bring it up to temperature.

- *the operation of any outdoor auditory signalling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens, whistles or chimes.....in accordance with good safety practice.* The resident noted that there is not much of a problem with wind chimes around his area, but noted that sometimes other people do have a problem with it.

- *the use or operation of any radio, television, stereo, music player, musical instrument, public address system or similar device so that the sound may be heard on another property or in another apartment unit* - the resident noted that this will rule out pool and patio parties with a curfew of 11:00 p.m.

The resident asked again if something can be done about the jake brake and Councillor Gallant replied that this is something we can certainly look at it.

Resident Asked about running generators in the winter and Councillor Gallant replied that this did come up in a discussion and it would be considered in an emergency situation.

Brenda MacDonald She stated that for the last week she has been calling this the Stratford Bylaw to eliminate fun. I have been struck by the music and the singing part in particular because in our neighbourhood there are people who play the piano and sing and we often have gatherings on decks at night and I was saddened to see this. I understand that one person's music is another person's noise, but I guess the arbitrary nature of the time and rather than looking at the noise level as opposed to the time was something I was concerned about.

Councillor Gallant We have received a few comments on that point as well. It is definitely not our intention to make Stratford a boring place.

Pat Martin Good evening. My name is Pat Martin and I have a similar question as the last lady did. I play the piano and sing and I can't do it now after 11 o'clock. When was the last time you heard in the Town of Stratford, Crossroads, Bunbury - whatever you want to call it - selling or advertising by shouting, yelling or amplified sound. I have been living over here for 35 years and the only thing I ever heard is a little seven year old kid on his bicycle selling ice cream with a wagon. So that is not a big deal.

Councillor Gallant Maybe just to reply to your comment - someone made a comment that politicians coming around with blow horns on top of their cars.

Pat Martin I have never ever heard one in the Town of Stratford in 35 years. They come knocking on the door, but never with a blow horn. Again, I just can't believe this piece of paper. I find that a lot of it is just total nonsense. If this is the case Stratford will be like Charlottetown if we can't sit out on our patio's at eleven o'clock at night. Yes there are going to be nights in the summer when people are going to have their parties or whatever. I just went through a wedding two weeks ago where there was hooting and hollering. If this had been in place at that time they would not have been allowed to do that and enjoyed the ceremony and festivities. I don't know what to think of it. I am disappointed in a lot of it, especially playing the piano and singing.

I can't whistle, I can't let out gas after eleven o'clock at night. I am baffled by it. Yesterday morning a rebuttal came in the mail explaining that you had made a mistake on the times. I come over here to be able to enjoy myself and I still want to be able to play the piano and sing. When we have a get together at our place it is not quiet. Another thing, who is going to police this? Is it up to me to phone my neighbour and tell him to keep it down over there. I am not going to do that to my neighbour because it is not ongoing. If it was an ongoing issue then I would take steps to deal with it.

Councillor Gallant Councillor Gallant stated that is the reason for the bylaw. To deal with ongoing issues. We are not going to be going around to try and stop people from playing the piano or doing things on their patios. However, we have had cases where people are complaining all the time about a certain person, so how do you get it to stop? You need to have bylaws to be able to deal with it. This is how other municipalities deal with it.

Pat Martin Ms. Martin reiterated that her house is not quiet and she hopes that Council will rethink this. Also, who proof reads these things because if you had to send out another sheet it is costing us taxpayers money.

Councillor Gallant Councillor Gallant stated that an error happened.

Mike Chapman I have to disagree with Pat. I enjoy my deck and nothing drives me crazier than someone down the road playing loud music, and it interferes with my enjoyment of my deck. I like to sit and I like the quiet and you are certainly headed down the right road. I certainly don't want to hear people's radios or pianos after 11 o'clock. Thank you.

Marie Just a couple of things. # 2 - the operation of recreational vehicles. We have a snowmobile - does that mean we can't work on it in the yard to tune it up and get the snow off the tires when we come home?

Councillor Gallant That is not the intention. The intention is for people who are driving them through other people's yards and causing a disturbance.

Marie He goes around the back of the yard and comes around the front. I live in Reeves Estates and the houses are not far apart. Is that going to be a problem? Another resident, referring to the bylaw, noted that you are able to park it and you are able to do what you need to do to store it.

The other thing is # 12 - the operation of equipment or machinery. What about clearing your driveway? I have to be to work before seven o'clock in the morning, so

if the driveway is plugged we have to start by five thirty or six o'clock to open it.

Councillor Gallant Councillor Gallant noted that snow clearing is something we need to look at in more detail.

Pat Martin What about snowploughs that come and plough people's driveways at three or four o'clock in the morning. Are they still going to be able to do this?

Councillor Gallant Councillor Gallant stated he didn't think so, but again this is something we have to discuss further.

Pat Martin I have a problem with them coming around at three o'clock in the morning and I know of one in particular.

Resident Are you okay with that or are you against it?

Pat Martin No, I am against that at three o'clock in the morning.

Resident There may be people who have to be somewhere. My wife is a nurse and there are also some doctors here. There has to be exceptions allowed.

Hal Mitten My name is Hal Mitten and I have been here for about 30 years. I tend to agree with most of what Pat said. I couldn't believe the changes, so I read them three or four times in case I was misinterpreting something. The one thing I do totally agree with is we are taking away the right of probably the majority to enjoy life in the summer time - our outside. The time that we as residents can go outside. I particularly bought my house in Bellevue Cove, outside of the City of Charlottetown, to get away from this. I didn't ask for my property to be included in amalgamation of Stratford. I had nothing to say about that. And now, this is almost like a communist manifesto. Citizens - you are hereby prohibited from this great big list of things. We are also dog owners and I don't know if anyone has found a solution to dogs barking, but if they have please give me a call. It is a natural thing for a dog to do. You try and keep them toned down as much as you can. We have two little dogs and people love them and they do bark. We have a population of foxes in our Town that is probably greater than the residents of Stratford, and every time a fox goes by they go crazy. If somebody can give me a solution to that - please do. We are also getting some coyotes in the area and there is noise coming from that. What do we do - if we are out in the yard and our grandchildren are running around and screaming and hollering, do we put muzzles on our grandchildren? I am using an example of the grandchildren and it doesn't have to be at night. It could be a nuisance to our next door neighbour and somebody could be knocking at the door. This bylaw has a long way to go as far as

I am concerned. A lot of word changes. The use of the word 'any' should not be used in this kind of a document. Thank you.

**David
Kassner**

My name is David Kassner and I have also been a resident of Stratford for 30 years and I am one of the people who is strongly in favour of the Noise and Nuisance Bylaw. I happen to live in an area where I don't get much sleep in the summertime because there are kids partying on the beach and neighbours partying all night. I am a shift worker in the summertime and I have to be up at five thirty - six o'clock some mornings. I have to get a little bit of sleep and if asking someone to quiet down after eleven o'clock at night is asking too much, then we are in the wrong place. I think I deserve to enjoy my property as much as the person who wants to party deserves to enjoy their property, but you can do everything and do it in moderation so it doesn't upset the neighbour. I want to be able to sit out on my deck and I don't want to listen to my neighbour's music. If I want to sit out what am I supposed to do - just sit there and not talk to my wife, family or guests and listen to the neighbours music all day because they want to enjoy their music. I own property - I own a nice piece of property and I want to enjoy it. I can't enjoy it because I have neighbours who like to play loud music. It disrupts my day, my privacy and my enjoyment of my property, which I think I am entitled to. I agree wholly with the Noise and Nuisance Bylaw in Stratford. Thank you.

**Councillor
Gallant**

Are there any further questions or comments?

Resident

I was wondering if this is going to affect Fox Meadow because they start cutting grass behind my house at 5:58 in the morning.

Councillor

We have had discussions with Fox Meadow and have asked them to avoid the residential areas before seven o'clock. They have tried to respect that. I know it has caused problems in the past and we do repeat this request to them.

Resident

How far advanced is this bylaw - how far have you gone with this?

**Councillor
Gallant**

We had staff evaluate other communities to see what they had for bylaws and we put something together and this is the first phase - getting feedback from the community. After this we will look to see if we have enough feedback from the community and if we feel we don't, we will look at other avenues to solicit more input.

Resident

What communities have you checked with and how many of these communities enforce these bylaws?

**Robert
Hughes, CAO**

We found what we felt were examples of the best bylaws across the country. We didn't actually talk to the communities. We just looked at their bylaws. We have

discussed it with our solicitor and the RCMP. It was our solicitor who advised that the bylaw we currently have is not enforceable because the wording is too vague and because the list of activities doesn't include some of the issues that have been raised. It is our solicitor, the RCMP, and the committee that we rely on to see what would work here.

Resident So by communicating with those people - how is it working for those communities?

**Councillor
Gallant** We did not speak to the communities.

Resident Do you plan to?

**Councillor
Gallant** We are getting feedback from you the residents and we will probably talk to other communities.

**Gary
Stephen** Hello my name is Gary Stephen and I have been a resident of Stratford for 20 years. There are a few things on here that I will touch base on. Number 3 - Operation of any vehicle, equipment or machinery without an effective muffling device. Our neighbour down the street who has swapped out the motors on his Harley Davidson - this is a legitimate problem.

**Councillor
Gallant** Presently, we have had problems prosecuting these issues because of the current bylaw.

**Gary
Stephen** When we were talking about the idea of what constitutes a nuisance - can we go back to that for a minute.

Factors for determining whether any noise violates subsection 3 (a) include, but are not limited to the following:

Mr. Stephen quoted #1 - the proximity of the noise to sleeping facilities. To give you an idea - these gentlemen represent the Red Clay Racing Club that uses the track behind Great Hobbies and I am one of the three owners of Great Hobbies. I know that the Town has fielded some complaints about the track. I am also president of the Charlottetown Radio Control Flying Club and more than half of the members are on this side of the bridge. I am a member of the Canadian Association for Governing the Model Aircraft, so we are sensitive to noise.

We are here today to lend our voice. Great Hobbies bought the land it sits on and the three owners of Great Hobbies are all Stratford residents who pay taxes. The apartment building next door is where the complaints came from and yes, if I lived in that apartment building and I had to witness a Great Hobbies Race Day I would

probably come out of my 'hair' too when the nitro cars are on the track. But the simple fact is that when the Town had a meeting to talk about the rezoning of the land that was next door to Great Hobbies, the three owners came and sat in the meeting. When the opportunity came to talk about the rezoning of the land that was beside us, we stood up and said we are a business and we make noise. We had a choice to purchase two pieces of property. Franklin Doyle built the King of Clubs building for us and he took half of it and that is where Great Hobbies started. We have been in Stratford since 1998. We had an opportunity to buy the land that was on the other side of Great Hobbies, but it was told that the next lot to it was going to be zoned residential. We asked the person selling the land what is on the other side and they told us it was commercial and it was commercial all the way up to Sobey's. We said okay that is where we need to be, we need to be in a commercial zoned area so our business isn't affected by encroaching of development. At the meeting we told you not to come back and complain to us about the noise that we generate as a business - don't rezone this. Now what I find is that I have residential housing on all sides of me and am fielding complaints. As a club, these gentlemen who use the track in the back of Great Hobbies have a mandate of rules that state that we are going to be within the guidelines. So they are already proactive. The same as the Association of Model Airplane Flyers. We bought the meter that you didn't want to buy and we police ourselves. We as an Association have a noise requirement that we need to adhere to.

We are the people listed here as #15 as part of the problem and we would like to let the community know that we want to be part of the community. We pay our taxes here and we employ people here. These gentlemen have run some great activities this summer that brought people from away who stayed at the hotel and bought gas and food here. I know that you are going to continue to get complaints, but the group of gentlemen do have a mandate and there are published rules that we won't run between certain days and at certain times. We would like to make a suggestion for a change - it says internal combustion engines in the models, because we also all use electric aircraft and electric RC cars that don't make any sound. Our mandate is to stay within the guidelines, so lets change that wording. The odd time I will go out and fly at night with a model aircraft. I have been in the community for 20 years and I have flown models at night with lights on and none of you even knew I was ever there, but with this mandate saying noise is an issue with any models, I could be charged even though I am not interfering. So this is a concern - the proximity of the noise and the duration of the noise makes it an 'iffy' situation. I am not very comfortable with that. I would rather see the Town invest in one of the Radio Shack meters and come to happy mediums. We came here today to tell you we want to be part of the community. We provide a great place for young people. We teach good sportsmanship. We are a motor sport with reduced sized models. There are all kinds of good activities that happen in the back of Great Hobbies. We are sensitive to the fact the enjoyment we share doesn't appeal to everyone, but we are in touch with what the issues are, and we want you to be sensitive to the fact that we were there first. We asked that you not

put residential buildings beside us and we do care about our neighbours. We have done some changes as far as the landscaping. But please change the line that states *no internal combustion models*. Let's word it a little bit better. Thank you for your time.

Robert Hughes, CAO If I could just address a little of what you have said. First off, we did get some complaints and Gary and the Model Club have been very cooperative in dealing with those complaints. We haven't actually gotten any complaints since then to my knowledge. Robert stated that he would like to explain that section 3 (a) basically it says here what constitutes a nuisance or an unreasonably excessive noise etc. Most bylaws have this kind of a clause in them, but we have been advised that it is difficult to enforce because it is vague. Section 3 (a) is meant to give a peace officer some guidance because you can go right to that and it says whether it is allowed or not allowed. It is very specific and a police officer can rely on that.

So in the specific instance of the models #15 *states the operation of toy or hobby devices which have engines or propulsion systems that make noise* - if they don't make noise there is no issue and that's only between 9:00 p.m. and 7:00 a.m. They may or may not be the right hours, but we set that to say after nine o'clock because they are probably not out there with the 'noise' making models. We understand and recognize the club and the value.

Gary Stephen So it is both things together then. I can go and fly my electric plane and just as long as I am not making a noise I am going to be okay.

Robert Hughes, CAO That's right.

Gary Stephen Us being out as a group - if we got to be too loud and laughing or hooting and hollering that would be covered under another portion of the bylaw. Again, we wanted to let the community know that we want to be part of the community and we think we have a lot to offer. Obviously we have the tax base that we are contributing to, but we are open to bringing in young people and teaching them about the hobbies. We understand that there is some negativity from the people who are closely around us, but please, as a community, be sensitive to encroachment and rezoning. Thank you.

Ann Willowby My name is Ann Willowby and we haven't lived here very long, so all of this is new information to us. I am really interested in what you are doing and I know it is difficult to do - to compromise on both sides. I just have one question and that is on #3 *the operation of any vehicle, equipment or machinery without an effective muffling device*. We have been exposed to noise at night from different sources and one of the things is motorcycles. The majority of them are super quiet and owners are obviously

concerned about the noise that they make. But you have maybe 10% who are not. If you are not using a noise meter how do you interpret the word 'effective'? Would the RCMP be able to deal with this?

Robert Hughes, CAO We did discuss the motorcycles that have the muffling device removed and we have been advised by the RCMP that this is a highway traffic act violation and there is more ability for them to deal with it through the traffic act. To answer your question - it would be up to a peace officer and then it would be up to a judge.

Councillor Gallant It is probably the number one complaint I have received over the past three years. When the motorcycles leave the motorcycle plant they are supposed to pass the laws set out. However, when they leave the plant some people will make changes. Again, it has been my number one complaint and it is something we want to look at.

Brian Willowby I am Brian Willowby and I have a concern over the outdoor burning 6 b. sub 2) *the burning of wood in an enclosed outdoor fireplace*. Is there any provision for when the weather gets so dry and the woods are very susceptible to burning. Is there any way we can outlaw the burning in the Town when it is extreme and the province puts out an Island wide ban?

Councillor Gallanti The province will put out the no burning notice for the Island when required, but for the Town of Stratford basically the only way you can burn is in an outdoor enclosed fireplace.

Brian Willowby I live in a very wooded area and I am just wondering how safe these things are when they get a fire going in them at night. Sparks are coming out and if they get in the woods it would go some quick. Another thing is they use them to drive off mosquitos and they burn green wood and the smoke gets so bad sometimes that we have to close all the windows in the house. I don't think this is fair to us.

Alan Davidson It seems to me that there should be a lot more common sense applied here. A lot more definition. I know you do have definitions as far as vehicles and things like that, but I have problems with it. I bought my little fellow a little mini bike and we have places out in the country where we take it, but I will get on it and drive around the house with it. I can assure you that the duration and volume of that is far less than Mr. Chapman doing his lawn with his lawnmower. Yet it seems very discriminatory. It says I can park a recreation vehicle, so if someone shows up at 11 or 12 o'clock at night back from a motocross race somewhere and starts up their motorcrosser, I can assure you I will be the first one complaining about it. It seems to me that there has to be a lot more fairness and common sense. My wife is a nurse, and my snowblower has a muffler, but I can assure you it pretty well matches any Harley going down the street.

But again, my wife has to be at work by 7:00 a.m. My neighbour - I have no problem with him cutting his lawn with his big heavy lawn tractor. However, if we are having a kids party and he gets it out we have to go in and close the windows and doors and have the party inside on a summer day. There are a lot of good points here. Yes, we don't want a lot of racket, we don't want a lot of noise. We've got all manner of noise and it seems to me that there has to be a little more common sense. There are varied issues here and I think everyone has made some very good points. I would like to see you come up with something that works for everybody. I am sure there are a lot of good points in here, but you failed to consider shift workers - what do you do about the blowing of snow. Harmless activities that gives a neighbour the option to say well I really don't like that, but it is not really a problem. It is something that needs work I think. I would also like to see something put in place that can resolve these things, as opposed to knocking on someone's door and saying here is a fine.

Councillor Gallant I really appreciate your comments because to me common sense is always the best factor. When we were writing this we said how do we get to a point where we can deal with the persistent problems, but sometimes our solicitor and the RCMP make us include rules which 99% of the people are not breaking. So how do you write these things up - this is where we are now. We are going to gather comments and look at the best way to write this bylaw so we can fix the problems that we have. They will not stop people from having a good life here in Stratford - that is the furthest thing from our minds.

Alan My suggestion is to revisit this and take Gary's advise and buy a meter.

Resident I am one of those Shriner's who rides the bike in the parade and I need someplace to practice and that is my backyard. There is a lot of balance involved in driving these things slowly and I would like to continue to ride in my backyard. When you are 30 - 50 feet away from it you can't tell that it is running.

Resident Is it safe to say that some of these things you are going to be able to do and it only becomes a problem when someone complains about you doing them? I have been living here for 20 years. I came from St. John New Brunswick and we came to PEI to go camping and have campfires. Our summer vacation was coming to Prince Edward Island and then we moved here. I continue the campfires - I have a campfire all the time in my backyard. I do not have a chiminea. I have rocks around it. My family comes and we cook, sing songs and have fun. I am conscious of the wind and where the smoke goes. But you know, I am sitting there with my 75 year old mother-in-law who is visiting from St. John New Brunswick and we are sitting there quietly cooking hotdogs and the RCMP walks into my backyard and says you are not allowed

to have an open fire. Somebody has complained about your fire. We are not making a sound and up the street there was a party going on like crazy. I said officer was it the party up the street you were supposed to go and talk to. So, it is common sense, but do I have to go out and buy a chiminea? When this first came in I phoned the fire marshal and said I have been cooking for 17 years in my backyard. We have campfires probably 10 or 15 times a summer. He said I haven't heard any complaints and you haven't burned the backyard down. We have the garden hose and it has rocks around it.

Councillor Gallant These rules are made for people who are burning garbage in a 45 gallon barrels and putting foam in them. We need a law to stop them from doing that - it is not for what you are doing.

Alan Davidson It seems to me that a guy who wants to have a little fire in his yard burning wood in a pit is fine. But the guy who has a barrel and is burning whatever - again it is common sense. It has to be written differently. If someone is afraid to approach their neighbour there has to be someone they can call at the Town who can go and talk to them. Let us be reasonable here. Let's be more like a community and not pit neighbour against neighbour.

Councillor Gallant Thank you.

Resident What about the time frame on the noise? It says 7:00 a.m. Is that seven days a week? It should be 7:00 a.m. Monday to Friday, 8:00 a.m. on Saturday and 9:00 a.m. on Sunday.

Councillor Gallant Presently it is seven days a week. As I said these are suggestions.

Resident My backyard is Fox Meadow Golf Course and that is an awful thing to hear in the morning. It is not so much the machines as the hydraulics.

Resident If you are living by Fox Meadow - it has been there a long time. It seems to me that if you are building near there you have to be aware of the fact that it is there.

Resident I was there before Fox Meadow came. My house was there seven years before Fox Meadow.

Alan Davidson It seems to me that different things are subjective to different people and that is why you have to have another mechanism to work things out.

Councillor We are going to sit down and look at what we have written and see what we can do, but in no way shape or form did we write this so we could patrol the streets. It is to be able to fix the small but persistent problems that we have.

Alan Davidson You could put something in about golf courses. My house has been hit many times with golf balls. My worry is that I am going to get a golf ball through a window.

Gary Stephen On behalf of the people who are thinking right - thank you for your hard work. This is not an easy thing and if everyone would be more cooperative with everyone else it would go a lot easier. But you are working on it. You have given us some information and good luck with it!

Councillor Gallant Thank you everyone for coming tonight. As I said we have been working on this for a long time and we are not done yet. We will definitely be communicating with the residents again.

There being no further comments or questions, the meeting was adjourned.